

Message Text

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SUBJECT: APPLICABILITY OF MINIMUM WAGE TO FOREIGN DOMESTIC

EMPLOYEES OF EMPLOYEES OF INTERNATIONAL ORGANIZATIONS

REF: STATE 311189

1. DIPLOMATS AND INTERNATIONAL ORGANIZATION EMPLOYEES ARE EXPECTED TO COMPLY WITH ITALIAN LABOR LAW, SOCIAL SECURITY REGULATIONS AND THE NATIONAL LABOR CONTRACT COVERING DOMESTIC EMPLOYEES, WHICH ESTABLISHES MINIMUM WAGE LEVELS, AMONG OTHER THINGS. SEVERAL FOREIGN MINISTRY NOTES, 1962-74, HAVE ASKED EMBASSIES, INTERNATIONAL ORGANIZATIONS AND BENEFICIARIES OF DIPLOMATIC IMMUNITY TO ABIDE BY ITALIAN SOCIAL SECURITY AND LABOR LAW, OBSERVING THAT VIENNA CONVENTION ARTICLES 33 AND 41 OBLIGE THEM TO RESPECT HOST COUNTRY LAWS.

2. SPECIFIC MINIMUM WAGE RATES FOR VARIOUS CATEGORIES OF DOMESTIC EMPLOYEES ARE ESTABLISHED IN THE NATIONAL CONTRACT NEGOTIATED BY UNION AND EMPLOYER REPRESENTATIVES, WITH LABOR MINISTRY
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MEDIATION. THE CONTRACT ALSO ESTABLISHES OTHER BENEFITS SUCH AS CHRISTMAS BONUSES (13TH MONTH PAY), HOLIDAYS, PAID VACATIONS, OBLIGATORY EMPLOYER CONTRIBUTIONS TO SOCIAL SECURITY, ETC. THIS CONTRACT IS ENFORCEABLE IN COURT BY INDIVIDUAL DOMESTIC EMPLOYEES. THE COURTS ASSERT AND EXERCISE THE RIGHT TO MAKE JUDGEMENTS AGAINST DIPLOMATS (AND THUS INTERNATIONAL ORGANIZATION EMPLOYEES) WHO, THE COURTS CONSIDER, "ACT IN THEIR PRIVATE

CAPACITY WHEN THEY EMPLOY DOMESTIC EMPLOYEES. DIPLOMATIC IMMUNITY WOULD, HOWEVER, PRESUMABLY PREVENT SUCH JUDGEMENTS FROM BEING ENFORCED IF EMBASSIES, INTERNATIONAL ORGANIZATIONS OR INDIVIDUALS WITH DIPLOMATIC IMMUNITY REJECTOR IGNORE THE COURT DECISIONS.

3. NO DISTINCTION IS MADE BETWEEN ITALIAN AND FOREIGN DOMESTIC EMPLOYEES, EXCEPT THAT, IN ORDER TO IMPORT A DOMESTIC EMPLOYEE FROM ABROAD, A PROSPECTIVE EMPLOYER MUST PLEDGE IN WRITING TO COMPLY WITH ITALIAN LABOR AND SOCIAL SECURITY PROVISIONS AND TO PAY RETURN TRANSPORTATION, IN ADDITION TO SALARY.

4. MINIMUM WAGE CALCULATIONS TAKE BOARD AND LODGING FOR LIVE-IN DOMESTIC INTO ACCOUNT. THERE ARE SEPARATE RATES FOR HOURLY EMPLOYEES, AND FOR BOTH FULL TIME AND PART TIME LIVE-IN EMPLOYEES. CHRISTMAS BONUSES, VACATION PAY AND OTHER BENEFITS INCLUDE AN EXTRA AMOUNT TO COMPENSATE FOR BOARD AND LODGING NOT RECEIVED. THERE ARE ALSO HIGHER MINIMUM RATES FOR HIGHLY SKILLED CATEGORIES (BUTLERS, CHEFS, TUTORS, NURSES, ETC.) AND LOWER ONES FOR THOSE JUST BEGINNING. LIVE-IN MINIMUM RATES ARE CALCULATED ON AN 11-HOUR DAY , 66-HOURS WEEK. ANY ADDITIONAL DAILY OR WEEKLY HOURS MUST BE PAID EXTRA, AT OVERTIME RATES, HIGHER IF AT NIGHT.

5. AIRGRAM FOLLOWS.VOLPE

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Disposition Approved on Date:
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